

REMARKS

Reconsideration of the issued raised in the above referenced Office Action is respectfully solicited.

The remaining issue in this application is the rejection of Claims 1-25 under 35 USC §103 as being unpatentable over Genske (U.S. Patent No. 4 778 697).

Genske discloses using polymer blends to make a multi-layer film. In the multi-layer films, at least one layer is a blend of polyethylene and another layer is polypropylene blended with elastomers and/or ethylene-base copolymers. Genske desires a packaging structure having high temperature processability, a strong heat seal and resistance to water vapor transmission at a moderate thickness. Genske also requires excellent resistance to physical shocks by the polymer film. Table 1 of Genske discloses maximizing the height for which the films are dropped containing a liter of water without breaking. Genske does not disclose or suggest forming a transparent film.

In all of the disclosed embodiments, Genske uses high-density polyethylene (HDPE) as part of an intermediate layer for securing heat-resistance as a retort package. Since HDPE has high crystallinity and great size of crystals when being molded as a sheet, high-density polyethylene sheets are translucent (slightly white). If a significant amount of a low-density polyethylene were used by Genske for improving transparency, heat resistance would be deteriorated and the desired results would not be obtained. Thus Genske teaches away from forming a transparent sheet.

In response to the rejection, Applicants have amended Claim 1 to include the new feature of the transparent polyolefin resin sheet having the property of "a total haze of less than 6%". This total haze is low enough so that the resin sheet is transparent. A specific claimed haze value, as discussed in the parent application, distinguishes Genske.

In the Office Action at section 4, page 2, last paragraph, through page 3, line 5, the Office Action indicates that the invention as claimed does not claim minimum required transparency of visible light and maximum amount of haze.

Applicants' amended Claim 1 now recites a maximum amount of haze. Such a small amount of haze is necessary for a resin sheet to be transparent. As discussed above and in the previous response, the high-density polyethylene portion of the intermediate layer of Genske results in a translucent, and not transparent, resin sheet.

The Office Action further indicates that a minimum required transparency of visible light is not claimed. Applicants recite the resin sheet being "transparent". The adjective "transparent" is not objected to as being indefinite as there is a well known meaning for the term. For example, the attached definition from the McGraw-Hill *Dictionary of Scientific and Technical Terms*, copyright 1974 defines a transparent medium as having "the property of transmitting rays of light in such a way that the human eye may see through the medium distinctly". Thus, it is clear that transparency requires distinct viewing of objects therethrough. For instance, at least a clear outline of an object must be visible through a medium considered to be transparent. Therefore, Applicants use of the term "transparent" distinguishes a resin sheet from the "translucent" sheets disclosed by Genske.

The Office Action indicates that Genske's intermediate layer can be made from a blend of high-density polyethylene and a modifier such as ethylene butylenes copolymer, styrene isoprene styrene copolymer and/or styrene butadiene styrene copolymer. These blends mentioned in the Office Action have 50 wt% high density polyethylene and thus have translucent properties. Further, the Office Action states that there is no showing that Genske's multi-layer film is not transparent. Applicants have made the statement that the films of Genske are not transparent because of the quantity of high density polyethylene utilized. If necessary, Applicants will provide an affidavit stating that none of the examples of Genske that correspond to Applicants disclosed invention have a total haze value of less than 6%.

The basic rejection set forth in the October 2002 Office Action states that it would have been "obvious to optimize

physical properties of the laminate by varying proportions of blends and thicknesses of individual layer" of Genske to obtain Applicants' claimed invention. This statement is traversed. Taking this broad statement upon face value, any composition made from various plastic materials would have been obvious despite different disclosed methods resulting in different physical properties for a plastic laminate.

Further, the properties Genske is attempting to "optimize" are entirely different from Applicants' claimed properties for the resin sheet. Genske has no motivation to destroy the function of the disclosed films in order to try to obtain a structure having Applicants' claimed 1) modulus of elasticity, 2) average length of a foreign substance that has a refractive index different from a non-crystalline resin composition as specified, 3) total haze of less than 6%, and 4) less than 0.2 μm of surface-roughness at at least one surface layer. The creation of such a resin sheet is not within the purposes and disclosure of Genske.

For the above reasons, reconsideration and allowance of Claims 1-25 is respectfully requested.

Further and favorable reconsideration is respectfully solicited.

Respectfully submitted,



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Encl: Dictionary of Scientific and Technical Terms,
McGraw-Hill copyright 1974, pg. 1530 and
cover pages